

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
KISHORE PALLAPOTHU,  
Defendant.

Case No. 15-cr-00427-BLF-2

## **ORDER CONTINUING SURRENDER DATE**

Defendant Kishore Pallapothu pleaded guilty to one count of conspiracy to commit visa fraud, *see* 18 U.S.C. § 371, one count of visa fraud, *see* 18 U.S.C. § 1546(a), and one count of witness tampering, *see* 18 U.S.C. § 1512(b)(3). ECF 233 (Judgment); ECF 20 (Indictment). Sentencing took place on January 14, 2020, at which Mr. Pallapothu was sentenced to, *inter alia*, 33 months in prison. ECF 232. The Court ordered Mr. Pallapothu to self-surrender to the Bureau of Prisons by 2:00 p.m. on June 11, 2020. *Id.*

In light of our public health directives in response to the COVID-19 national emergency, the Court will *sua sponte* continue Mr. Pallapothu’s surrender date from June 11, 2020 to September 1, 2020. A district court has inherent authority to stay proceedings “where such a stay would be a proper exercise of discretion.” *Rhines v. Weber*, 544 U.S. 269, 276 (2005) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). The seriousness of the COVID-19 national emergency is well-documented in the Northern District of California’s General Order No. 72, issued on March 16, 2020 by Chief District Judge Phyllis J. Hamilton. Mr. Pallapothu is currently not in custody, *see* ECF 232, as the Government has not sought to detain him pursuant to 18 U.S.C. § 3143 as a flight risk or danger to the community. Under the present circumstances, the Court finds there is good cause to stay execution of Mr. Pallapothu’s sentence and postpone Mr. Pallapothu’s surrender date.

1                   Mr. Pallapothu's surrender date is hereby CONTINUED to **September 1, 2020, no later**  
2 **than 2 p.m.** The Government is free to request the Court's reconsideration of this Order; it must  
3 do so by **April 3, 2020**. In addition, should public health conditions later necessitate a further  
4 continuance, the Court will consider a request to that effect by the defendant.

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6                   **IT IS SO ORDERED.**

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8                   Dated: March 27, 2020

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BETH LABSON FREEMAN  
United States District Judge